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BEFORE THE ARIZONA CORPORATION COMMISSION

2003 SEP 11 P 3: 15

MARC SPITZER,
Chairman

AZ CORP COMMISSION
DOCUMENT CONTROL

JIM IRVIN,
Commissioner

WILLIAM MUNDELL,
Commissioner

JEFF HATCH-MILLER,
Commissioner

MIKE GLEASON,
Commissioner

Arizona Corporation Commission

DOCKETED

SEP 17 2003

DOCKETED BY

CR

UTILITIES DIVISION STAFF,

Complainant,

Docket No. T-03889A-02-0796
T-04125A-02-0796

vs.

LIVEWIRENET OF ARIZONA, LLC; THE
PHONE COMPANY MANAGEMENT
GROUP, LLC; THE PHONE COMPANY
OF ARIZONA JOINT VENTURE d/b/a
THE PHONE COMPANY OF ARIZONA;
ON SYSTEMS TECHNOLOGY, LLC, and
its principles, TIM WETHERALD, FRANK
TRICAMO and DAVID STAFFORD; THE
PHONE COMPANY OF ARIZONA, LLP
and its members,

Respondents.

MOTION TO WITHDRAW AS
COUNSEL FOR DMJ
COMMUNICATIONS

IN THE MATTER OF THE PHONE
COMPANY OF ARIZONA JOINT
VENTURE d/b/a THE PHONE COMPANY
OF ARIZONA'S APPLICATION FOR
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE INTRASTATE
TELECOMMUNICATIONS SERVICE AS
A LOCAL AND LONG DISTANCE
RESELLER AND ALTERNATIVE
OPERATOR SERVICE.

Docket No. T-04125A-02-0577

1
2 IN THE MATTER OF THE APPLICATION)
3 OF THE PHONE COMPANY)
4 MANAGEMENT GROUP, LLC f/k/a)
5 LIVEWIRENET OF ARIZONA, LLC TO)
6 DISCONTINUE LOCAL EXCHANGE)
7 SERVICE.)

Docket No. T-03889A-02-0578

8
9 IN THE MATTER OF THE APPLICATION)
10 OF THE PHONE COMPANY)
11 MANAGEMENT GROUP, LLC FOR)
12 CANCELLATION OF FACILITIES)
13 BASED AND RESOLD LOCAL)
14 EXCHANGE SERVICES.)

Docket No. T-03889A-03-0152

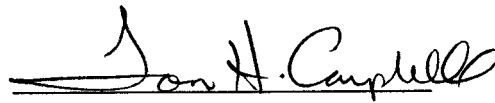
15
16 IN THE MATTER OF THE APPLICATION)
17 OF THE PHONE COMPANY)
18 MANAGEMENT GROUP, LLC d/b/a THE)
19 PHONE COMPANY FOR THE)
20 CANCELLATION OF ITS CERTIFICATE)
21 OF CONVENIENCE AND NECESSITY.)

Docket No. T-03889A-03-0202

22
23
24
25
26
Lewis and Roca LLP respectfully requests that it be allowed to withdraw as
counsel for DMJ Communications ("DMJ"). Our client has informed us that its Arizona
customers have all been transferred to other providers, primarily Qwest. DMJ no longer
has the resources to retain counsel in this proceeding and, consequently, terminated Lewis
and Roca's representation. An Affidavit signed by Ms. Joyce Howard, Executive Vice
President of Operations for DMJ Communications in support of this Motion is attached.

1 RESPECTFULLY SUBMITTED this 17th day of September, 2003.

2 LEWIS AND ROCA LLP

3
4 

5 Thomas H. Campbell
6 Michael T. Hallam
7 40 N. Central Avenue
8 Phoenix, Arizona 85004

9 ORIGINAL and twenty-one (21) copies
10 of the foregoing filed this 17th day of September,
2003, with:

11 Arizona Corporation Commission
12 Utilities Division – Docket Control
13 1200 W. Washington Street
Phoenix, Arizona 85007

14 COPY of the foregoing hand-delivered
15 this 17th day of September, 2003, to:

16 Philip J. Dion, III
17 Hearing Division
18 Arizona Corporation Commission
19 1200 W. Washington Street
Phoenix, Arizona 85007

20 Ernest Johnson, Director
21 Utilities Division
22 Arizona Corporation Commission
1200 W. Washington Street
Phoenix, Arizona 85007

23 Christopher Kempley, Chief Counsel
24 Legal Division
25 Arizona Corporation Commission
1200 W. Washington Street
26 Phoenix, Arizona 85007

LEWIS
AND
ROCA
LLP
LAWYERS

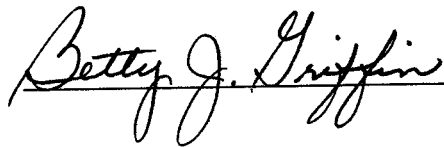
COPY of the foregoing mailed this
17th day of September, 2003, to:

Timothy Berg
Theresa Dwyer
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3003 N. Central Avenue
Suite 2600
Phoenix, Arizona 85012

Jeffrey W. Crockett
Snell & Wilmer, LLP
One Arizona Center
400 E. Van Buren Street
Phoenix, Arizona 85004

Marty Harper
Shughart Thomson Kilroy Goodwin Raup
3636 N. Central Ave., Suite 1200
Phoenix, Arizona 85012

David Stafford Johnson
740 Gilpin Street
Denver, Colorado 80218

A handwritten signature in cursive script, reading "Betty J. Griffin", is written over a horizontal line.

1
2 **BEFORE THE ARIZONA CORPORATION COMMISSION**

3 **MARC SPITZER,**
4 **Chairman**

5 **JIM IRVIN,**
6 **Commissioner**

7 **WILLIAM MUNDELL,**
8 **Commissioner**

9 **JEFF HATCH-MILLER,**
10 **Commissioner**

11 **MIKE GLEASON,**
12 **Commissioner**

13 **UTILITIES DIVISION STAFF,**

14 **Complainant,**

15 **vs.**

16 **LIVEWIRENET OF ARIZONA, LLC; THE**
17 **PHONE COMPANY MANAGEMENT**
18 **GROUP, LLC; THE PHONE COMPANY**
19 **OF ARIZONA JOINT VENTURE d/b/a**
20 **THE PHONE COMPANY OF ARIZONA;**
21 **ON SYSTEMS TECHNOLOGY, LLC, and**
22 **its principles, TIM WETHERALD, FRANK**
23 **TRICAMO and DAVID STAFFORD; THE**
24 **PHONE COMPANY OF ARIZONA, LLP**
25 **and its members,**

26 **Respondents.**

Docket No. T-03889A-02-0796
T-04125A-02-0796

AFFIDAVIT

21 **IN THE MATTER OF THE PHONE**
22 **COMPANY OF ARIZONA JOINT**
23 **VENTURE d/b/a THE PHONE COMPANY**
24 **OF ARIZONA'S APPLICATION FOR**
25 **CERTIFICATE OF CONVENIENCE AND**
26 **NECESSITY TO PROVIDE INTRASTATE**
TELECOMMUNICATIONS SERVICE AS
A LOCAL AND LONG DISTANCE
RESELLER AND ALTERNATIVE
OPERATOR SERVICE.

Docket No. T-04125A-02-0577

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5 LIVEWIRENET OF ARIZONA, LLC TO
6 DISCONTINUE LOCAL EXCHANGE
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Docket No. T-03889A-02-0578

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10 OF THE PHONE COMPANY
11 MANAGEMENT GROUP, LLC FOR
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13 BASED AND RESOLD LOCAL
14 EXCHANGE SERVICES.

Docket No. T-03889A-03-0152

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16 IN THE MATTER OF THE APPLICATION
17 OF THE PHONE COMPANY
18 MANAGEMENT GROUP, LLC d/b/a THE
19 PHONE COMPANY FOR THE
20 CANCELLATION OF ITS CERTIFICATE
21 OF CONVENIENCE AND NECESSITY.

Docket No. T-03889A-03-0202

22 AFFIDAVIT

23 STATE of Texas:

:

SS:

24 County of

:

25 Joyce Howard, being duly sworn, deposes and says:

26 1. I am the Executive Vice President of Operations of DMJ Communications,
Inc. ("DMJ").

2. DMJ has no customers in Arizona.

1 3. DMJ has no assets in Arizona.


2 4. DMJ has no resources to pay for outside legal counsel in this proceeding
3 and, therefore, Lewis and Roca is no longer authorized to represent DMJ in this matter.
4

5 5. All communications relating to this pending proceeding should be directed
6 to me at the following address:

7 Joyce Howard, Executive Vice President of Operations
8 DMJ Communications, Inc.
9 1401 Colony Drive
10 Irving, Texas 75061
11 (972) 253-3464
12 (972) 253-5074 (fax)

13 6. It is my understanding that DMJ must be represented by legal counsel before
14 the Commission, and that if DMJ does not retain counsel to represent them in these
15 dockets, or if DMJ does not appear to present evidence, the Commission may proceed
16 against DMJ in absentia, that is, without that entity being present, and the Commission
17 may enter a default against them.

18 DATED this 15 day of September, 2003.

19 
20 Joyce Howard
21 Executive Vice President of Operations

22 SWORN and SUBSCRIBED to before me this 15 day of September, 2003 by
23 Joyce Howard

24 
25 Notary Public

26 My Commission expires:
2-4-2006